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February 6, 2008

**BY FACSIMILE**

Hon. Laura T. Swain  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 755  
New York, New York 10007

**FILED AND ENDORSED**

IT IS ORDERED that counsel to whom this Memo is sent is responsible for faxing or delivering promptly a copy to all counsel for the represented parties and filing a certificate of service within 5 days from the date hereof. Do not send such certification to Chambers.

Re: Benjamin Waters v. Off. Patterson, et al.,  
07 Civ. 9858 (LTS) (MHD)

Dear Judge Swain:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel Michael A. Cardozo, assigned to handle the above captioned matter. I write to respectfully request an extension of time to respond to the Complaint.

The only defendants in this case are three individually named correction officers. Upon information and belief, defendant Officer Dor appears to have been served on January 22, 2008, defendant Officer Southerland appears to have been served on January 28, 2008, and defendant Officer Patterson has not yet been served. Accordingly, a responses are due for Officers Dor and Southerland on February 11, 2008 and February 18, 2008 respectively. It is respectfully requested that the time to respond on behalf of these defendants be extended to March 12, 2008.

This additional time is necessary in order to investigate the Complaint's factual allegations and legal claims and to make representation decisions consistent with the requirements of New York General Municipal Law §50-k. This is the first request for an extension of time to respond. As plaintiff is incarcerated and proceeding *pro se*, it was not feasible to obtain his prior consent to this request.

Copies mailed/faxed to  
Chambers of Judge Swain

*Def't's Counsel*  
2-7-08

Thank you for your consideration of this request for an extension of time to respond to the Complaint until March 12, 2008.


Respectfully,

  
Martha Calhoun (MC 5009)  
Assistant Corporation Counsel

cc: Via overnight mail  
Benjamin Henry Waters III  
#241-07-01081  
Anna M. Kross Center  
18-18 Hazen Street  
East Elmhurst, New York 11370

The request is granted.

SO ORDERED.

 2/6/2008  
LAURA  
18-18